FREQUENTLY ASKED QUESTIONS

TENTATIVE WASTE DISCHARGE REQUIREMENTS FOR THE DISCHARGE OF SALTS THROUGH INJECTION/PERCOLATION OF IMPORTED WATER (i.e., SPW or CRA Water) OR IMPORTED WELL WATER TO GROUNDWATER WITHIN THE SANTA ANA REGION

1. *What is the intent of the proposed order?*

   The proposed order is intended to implement the recently-adopted regional salt management plan as it relates to projects to discharge salts (total dissolved solids or TDS) and nitrogen to groundwater management zones within the Santa Ana River Basin, through the percolation or injection of imported water from the Colorado River Aqueduct (CRA), the State Water Project (hereinafter SPW (for State Project Water)), or from inter-basin transfers of pumped groundwater. This is proposed to be a general order, and those projects proposed for coverage under the order would be enrolled administratively by Regional Board staff, without the need for requirements to be adopted individually by the Regional Board.

2. *What is the salt management plan identified in Question #1, above?*

   The salt management plan referenced above is a consensus-based amendment to the Basin Plan for the Santa Ana River Basin that provides a regulatory framework for protecting groundwater quality related to salt inputs. This basin plan amendment is the result of stakeholder-funded ($3.5 million +/-) Nitrogen/TDS Task Force that was comprised of all of the major water supply and wastewater agencies, as well as other government agencies, such as Chino Basin Watermaster and USGS, who worked together for approximately seven years to draft a salt management plan for the region. The Task Force utilized a consensus process to agree on an approach based on a rigorous scientific application of statistical and hydrogeologic principles to generate historic and current water quality information to be utilized in crafting an implementation strategy for addressing salt inputs to the Santa Ana Basin.

3. *What does the proposed order require?*

   The proposed order requires that projects that propose groundwater recharge with imported water or inter-basin transfers of pumped groundwater must be in compliance with the Region's salt management plan and groundwater objectives found in the recently-adopted Basin Plan. This generally means that in basins with Maximum Benefit objectives, recharge projects must comply with either the Maximum Benefit proposals that were made to justify the Maximum Benefit objectives, or the projects must comply with the antidegradation objectives

adopted for those basins. In basins with no Maximum Benefit objectives, and for those basins with no assimilative capacity, the proposed order would require compliance with the water quality objectives for those basins, on a 5-year rolling average. Lastly, in basins with no Maximum Benefit objectives, but with ambient quality such that there is assimilative capacity in the basin, a recharge project could choose to either recharge at a quality equal to or better than ambient quality (again, on a 5-year rolling average basis), or they could choose to apply to the Regional Board for an individual permit for the allocation of some portion of the assimilative capacity.

4. *Is staff proposing to regulate these projects because there is something wrong with the imported water?*

No. However, all water sources for recharge projects, whether imported or recycled, contain salts. Depending on the quality of the imported water, it may actually contain higher concentrations of salts than the ambient quality in the groundwater management zone where a recharge project is proposed. As such, the recharge of water with salt concentrations higher than ambient quality would result in a lowering of water quality in that basin. Staff has never indicated that there is anything <u>wrong</u> with SPW or that this is the basis for the proposed regulation. Instead, even SPW contains concentrations of salts that must be considered for the long-term management of groundwater basins, as required by State Law and State Water Resources Control Board policies.

5. *What is the policy basis for the proposed order?*

As articulated in State Board Decision 73-4 (Rancho Caballero Decision), the California Water Code requires that regional boards must implement their approved basin plans. Further, State Board Resolution 68-16, the State Board's antidegradation policy states, in part, that,

> "…Any activity which produces or may produce a waste or increased volume or concentration of waste and which discharges or proposes to discharge to existing high quality waters will be required to meet waste discharge requirements which will result in the best practicable treatment or control of the discharge necessary to assure that (a) a pollution or nuisance will not occur and (b) the highest water quality consistent with maximum benefit to the people of the State will be maintained."

6. *So, is SPW or CRA water considered to be a waste?*

No, although even SPW carries concentrations of salts that can affect groundwater quality when SPW is recharged. However, SPW is typically the

best quality of water available for recharge within the Santa Ana River Basin. Nonetheless, the quality of even SPW can vary significantly, and during those times when its salt content is highest, the recharge of very high quality basins with SPW would need to be reviewed in light of the State Board's antidegradation policy.

7. *Would such a review preclude or somehow prevent the recharge of basins with SPW?*

For a number of reasons, staff believes that this would be extremely unlikely. Given that many of the high quality basins in the region already have the use of SPW incorporated into their integrated water resources plans covered under Maximum Benefit objectives, the proposed order would obviously not preclude the recharge of SPW in those basins. Next, given that the water quality objectives for the majority of the non-Maximum Benefit groundwater basins are significantly greater than the salt content of SPW, even during its poorer quality periods, then the use of SPW would not be precluded in these basins. Lastly, for the small number of basins with water quality objectives more restrictive than the quality of SPW during its poorer quality periods, it may be necessary to perform a Maximum Benefit analysis, in order to support relaxed water quality objectives that would accommodate the recharge of SPW in those basins. A couple of notes are important at this point. While the recharge of SPW in this very small minority of basins could require a Maximum Benefit analysis to achieve relaxed objectives, the proposed order does not restrict, limit or regulate the use of SPW in these basins. "Use" and "recharge" of imported water must be carefully segregated in the analysis of this proposed order. It is also important to note that the Region's draft Reclamation Guidance Document (2004) includes the concept that the recharge of SPW within the Region is considered to be essentially presumptive of Maximum Benefit.

8. *Would the same hold true for imported water from the CRA?*

No. CRA water typically contains significantly higher concentrations of salts than that found in SPW. Because CRA water would typically meet the water quality objectives of only those basins with the least restrictive water quality objectives, staff has not been informed that CRA water is being recharged within the Region. CRA water is certainly used within the region, but that use is not regulated by the proposed order. Therefore, under the proposed order, groundwater recharge using CRA water will typically be limited to those basins with groundwater quality objectives higher than or equal to expected CRA water quality. This would mean that recharge opportunities exist in only a subset of the region's groundwater basins. Again, it must be recognized that this order does not, and is not intended to, regulate the use of CRA water, only its recharge.

9. *What is the practical distinction between the use of SPW, CRA water, and inter-basin transfers of pumped groundwater in the regulatory strategy envisioned by this order?*

An inter-basin transfer of pumped groundwater from an area of poor quality groundwater to a management zone with high quality groundwater has the potential to have significant adverse water quality effects, and this order would apply to those projects. Similarly, the proposed recharge of CRA water into low-TDS, high quality basins has the potential to adversely affect ambient water quality. It is unlikely that a water agency with management responsibility for a very high quality, low-TDS basin would recharge that basin with CRA water, given the significantly higher TDS of that source. Even so, such a proposal would run afoul of the State Board's antidegradation policy and its Rancho Caballero decision. Again, this does not affect the use of CRA water within the basin, such as for public water supply or industrial uses in sewered areas. Lastly, it is altogether possible that even the poorer quality water could be recharged into higher quality basins, if such proposals are integrated with salt removal or offset projects, such as desalters. This is the "bubble" concept that allows for recharge of high quality basins from a multitude of sources, including higher-TDS recycled water.

10. *What is expected to occur following the Regional Board's workshop concerning this item on May 19, 2006?*

The Regional Board is currently scheduled to consider this proposed order at its July 14th Board Meeting, approximately two months after the May 19th workshop. However, consideration of the order by the Board may be delayed if additional time is necessary to address comments and explore regulatory or other alternatives. Staff has already received a number of requests for delay, and suggestions that a task force process be initiated to explore such alternatives. Staff has responded in the affirmative to requests that staff participate in the task force. It is currently anticipated that SAWPA, on behalf of their member agencies, will initiate a task force effort to evaluate the proposed order and to consider alternatives to the regulatory approach of using waste discharge requirements. It is staff's understanding that other interested parties will be invited to participate in this effort.